

**FLOOD CONTROL ADVISORY BOARD
MINUTES
October 27, 2004**

Scott Ward, Vice Chairman called the meeting of the Flood Control Advisory Board (FCAB) to order at 2:05 p.m. on Wednesday, October 27, 2004.

Board Members Present: Scott Ward, Vice-Chairman; Kent Cooper, Secretary, Paul Cherrington, Ex Officio; DeWayne Justice; Hermant Patel, Hassan Mushtaq (for Thomas Callow);

Board Members Absent: Melvin Martin, Chairman; Thomas Callow, Ex Officio;

Staff Members Present: Julie Lemmon, General Counsel; Dick Perreault, CIP/Policy Manager; Tim Phillips, Acting Chief Engineer & General Manager; Russ Miracle, Division Manager, Planning and Project Management; Don Rerick, Project Management Branch Manager; Lynn Thomas, Floodplain Management Branch; Felicia Terry, Regional Area Planning Manager; Kelli Sertich, Planning Manager; Afshin Ahouraiyan, Planning Manager; Laszlo Nyary, Finance Specialist; John Palmieri, PW/Lands; Amir Motamedi, Acting Regulatory Division Manager; Wanett Maxwell, Contracts Specialist; Tim Murphy, Floodplain Branch Manager ; Greg Jones, Regional Area Planning Manager; Mike Wilson, Division Manager, Lands and Right-of-Way; Tom Renckly, Structures Management Branch Manager; Robert Knighton, Planning Manager; Emili Kolevski, Project Manager; Bob Howery, Regulatory Division; Linda Reinbold, Administrative Coordinator; Mike Greenslade, Dam Safety Engineer; and BJ Johnston, Clerk of the Flood Control Advisory Board.

Guests Present: Terri George, DEA; Mike Brawley-Aiesworth, COP; Brian Fry, Dibble & Associates; Gary Scott, Public Works; Jim Huling, City of Mesa, Gordon Harris, City of Mesa, Peter Knudsen, City of Mesa, Patrick Wolf, Aztec Engineering; Tony Bokich, Aztec Engineering, Steve Miller, PEC; Jeannette Fish, Maricopa County Farm Bureau.

1) APPROVAL OF THE MINUTES OF THE MEETING OF SEPTEMBER 15, 2004.

ACTION: It was moved by Mr. Justice and seconded by Mr. Cherrington to approve the minutes as submitted. The motion carried unanimously.

2) ELECTION OF NEW FCAB OFFICERS

The Flood Control Advisory Board bylaws state that officers shall be elected by the members to serve a one-year term from November to October. Based on general rotation, the slate of officers for the period November 2004 to October 2005 would be:

Chairman – Kent Cooper
Vice Chairman – Scott Ward

Secretary – DeWayne Justice

ACTION: It was moved by Mr. Patel and seconded by Mr. Mushtaq to approve the slate of officers as submitted. The motion carried unanimously.

3) APPOINTMENTS TO THE FCAB STANDING COMMITTEES FOR 2005

In accordance with Article VI, Section 1 of the Flood Control Advisory Board bylaws, the Standing Committees shall be Legislative, Program and Budget, Policy and Public Information. Recommendations are as follows:

Legislative Committee

Paul Cherrington

Kent Cooper

Program & Budget Committee

Melvin Martin

Hemant Patel

Policy Committee

Tom Callow

Hemant Patel

Public Information Committee

DeWayne Justice

Scott Ward

ACTION: It was moved by Mr. Cherrington and seconded by Mr. Justice to approve the item as submitted. The motion carried unanimously.

4) TRES RIOS PROJECT: RESOLUTION FCD2004R005

Don Rerick, P.E., Project Manager presented this resolution for developing and negotiating Intergovernmental Agreements (IGA) to identify the Flood Control District's responsibilities for, but not limited to, cost sharing, rights-of-way acquisition and operation and maintenance for the Tres Rios Project.

Mushtaq: You said there is a flood control retention basin east of 115th Ave.?

Rerick: The Corps's plans for the levee design includes a proposed basin on the east side of 115th Ave. and a proposed basin on the west side of 123rd Ave.

Mushtaq: The schedule for those will be after this?

Rerick: They will be constructed at the same time as the levees in those areas are constructed.

Mushtaq: And the purpose for the levee east of 115th Ave is to keep Salt River flows out of that area?

Rerick: The purpose of the levee is to keep both Salt River and Gila River flows from inundating the areas to the north. Because of the sheet flow draining from North to South and impounding against the landside of the levee, it was necessary for the Corps to design interior drainage features which include these channels and basins. The basins will have flap gated culvert outlets through the levee into the river.

Mushtaq: So the interior features will be constructed sequentially such that you don't have the levee impound flows from the north?

Rerick: Correct.

Ward: Are there plans for development of the land that is currently inundated North of Southern Avenue?

Rerick: I can tell you that there is a lot of development going on, Mr. Ward, in the entire Holly Acres area. I can't specifically answer your question. I am assuming that with the improvement of the floodplain conditions that more development is likely to occur.

Ward: Is this area all part of the incorporated area of Phoenix?

Rerick: No sir. The boundary is 107th Avenue between Phoenix to the east and unincorporated county to the west.

Ward: Help me understand the relationship between the Army Corps of Engineers, the City of Phoenix and the Flood Control District on this project.

Rerick: The Corps of Engineers, Mr. Ward, is the federal sponsor. They have a project cooperation agreement with the City of Phoenix as the local sponsor. The local sponsor has in this particular case, as we has with the Arizona Canal Diversion Channel Projects, responsibility for rights-of-way acquisition, a 35% cost share funding, and a significant role in the review and approval of plans. The District has no direct paper relationships with the Corps of Engineers. Our relationship, assuming your approval of this resolution and the Board of Supervisors' adoption of it, will evolve through the development of intergovernmental agreements which will then specifically identify our relationship with the City of Phoenix, which we will bring back before the Advisory Board for approval.

Ward: That was the genesis of the question. Seeing that it is funded 65% by the Corps and 35% by the City of Phoenix, are we there to acquire rights-of-way, do utility relocation, are we going to build this structure?

Rerick: Mr. Ward, we anticipate, in the development of the IGA, to identify three rolls and responsibilities for the District. The first being to fund a portion of the flood control elements of the project by providing some funding to the City of Phoenix. The second would be to provide easements for rights-of-way that we either currently own or control both in the river bottom and along the levee alignment. Third, to continue operations and maintenance responsibilities for the Holly Acres levee and in addition, to assume operations and maintenance responsibilities for the entire length of the new levee. We will not have any direct legal relationship with the Corps.

Ward: Does the District own any land that by creating this new levee will be taken out of the flood area?

Rerick: I believe, Mr. Ward that all the property the District owns is either in the river bottom, in what was known as the 1000ft Salt/Gila River Clearing, or the footprint immediately under and along the existing Holly Acres Levee. I am not aware of any property we own that would be taken out of the floodplain to north of the levee alignment. There might be some minor strips but nothing significant.

Ward: Thank you.

ACTION: It was moved by Mr. Patel and seconded by Mr. Ward to approve the item as submitted. The motion carried unanimously.

5) PROPOSED REVISIONS TO THE FLOODPLAIN REGULATIONS FOR MARICOPA COUNTY

Lynn Thomas, P.E. presented this request to forward the proposed revisions to the Board of Directors' with a request to schedule a public hearing for the adoption of the Proposed Revised Floodplain Regulations.

Ward: I have one quick comment. As a developer, I just want to compliment you, Lynn and your team on the specific language pertaining to watercourse and alluvial fans. It is really going to help the development community especially as far as crossing jurisdictional boundaries between cities. I think it is going to be a great tool for the development community to use as a guide.

ACTION: It was moved by Mr. Justice and seconded by Mr. Mushtaq to approve the item as submitted. The motion carried unanimously

6) WHITE TANKS FRS #3 OUTLET CHANNEL PROJECT, RESOLUTION FCD2004R001

This resolution provides the District with the authority to acquire rights-of-way, contract for professional services for the design, and include funding in the District's current and future Five year Capital Improvement Program (CIP) subject to the approval and ratification of the Board of Directors. This presentation was made by Greg Jones, P.E., Project Manager.

Justice: How many acres of property are we going to need to acquire?

Jones: Right now, we are estimating about 20 acres for the basin and we are estimating about 15 acres for the channel. We are assuming approximately 100ft channel width from Indian School up to the White Tanks #3 structure.

Cooper: Is that \$80,000/acre? About \$2.7 million?

Jones: About that, yes.

Patel: Does this fit in with the plans being developed out on the west side for a trail system?

Jones: Yes, this part of one of the alignments that the County Parks and Recreation Department and MCDOT have identified as a regional connector alignment. They are proposing to go all the way from the Gila River up the channel through White Tanks #3 and eventually to McMicken Dam.

ACTION: It was moved by Mr. Patel and seconded by Mr. Justice to approve the item as submitted. The motion carried unanimously. Mr. Ward abstained from the vote because he owns the property contiguous to the alignment of the channel.

7) MODIFICATION OF THE FLOOD CONTROL ADVISORY BOARD BYLAWS

Responsibility for administration of the County's Drainage Regulations assigned to the Flood Control District in 1983 is being transferred back to the County. This action will delete Article II, Section 10 of the existing Bylaws (dated October 23, 2002) effective with the transfer of all Drainage Regulations responsibilities to the County.

Lemmon: Mr. Chairman, members of the Board, in the existing bylaws, there is a Section 9 that empowers you to be the Floodplain Review Board and a Section 10 that empowers you to be the Drainage Review Board. This item will amend the bylaws to remove Section 10, Drainage Review Board responsibilities which are being transferred to Maricopa County Planning and Development.

ACTION: It was moved by Mr. Justice and seconded by Mr. Patel to approve the item as submitted. The motion carried unanimously

8) FLOODPRONE PROPERTIES ACQUISITION PROGRAM RESOLUTION FCD2004R013

This resolution is to authorize and direct the Chief Engineer and General Manager of the District to obtain all necessary information for the purpose of initiating negotiations to acquire floodprone properties in accordance with the Floodprone Properties Acquisition Program Policy. The acquisitions will be based on voluntary acceptance of the offers by the applicants, which will be made according to ratings following the acquisition prioritization procedure previously approved by the Flood Control Advisory Board and Board of Directors, and within the current fiscal year budget currently established at \$5.5 million. This presentation was made by Kelli Sertich.

Justice: When you start the new rounds, if someone who wasn't notified becomes aware of the program, can we come to you and request that they be considered even if they were not sent the packet?

Sertich: Mr. Chairman, Mr. Justice, yes, they can. The information is on our webpage so that anyone who thinks they are a potential candidate can contact us for information and an application.

Cooper: I was a little bit distressed to hear that some of the houses we are looking at were built as late as the 1990's. I wonder how this happened. This kind of problem is pretty much avoidable if one used all the information and common sense available. Are we still issuing building permits today in these

parts of the county? It seems that there should be some way to prevent this from being an ongoing problem.

Phillips: Mr. Chairman, I will attempt to answer that. We think that we have the bulk of the floodprone properties identified. . We do ongoing delineations and as people build houses we have our regulatory permit process that reviews their building site. In some instances when we do not have the delineation or mapping and we don't have the broader regional information available, the site inspector is looking at that site based on what information is available and makes a judgment call. In all cases where we have delineation, we are not approving permits for homes. They are subject to the delineation, so there should be no new homes where there is a delineation. There are a lot of houses out there that were built years ago which are affected as we do new delineations. We think we have the 95% answer here but we do expect there to be a few more as we continue to do new delineations. We are not permitting homes that are going to be in harms way, based on the best available information we have to make that determination at that time.

Ward: By passing on the responsibilities of Drainage Review to the County Planning and Development Department, will that help prevent permits being issued to people who would seek a permit in an unsafe area?

Phillips: Mr. Chairman, Mr. Ward, I see the transfer of the Drainage functions to Planning and Development as having no effect on this issue. In fact, the people who are doing the drainage review are the same people who have been involved in this process for years and have strong experience in drainage issues. As a result, there should be no change.

Ward: To echo Mr. Cooper, if there is anything we can do prevent building in the flood zone, we should do it.

Cherrington: Does the removal of the homes in any of the areas change the delineation of the floodplain?

Phillips: No

Cherrington: Are any of the properties suitable habitat for endangered species?

Sertich: Mr. Chairman, Mr. Cherrington, there may be some areas that are suitable. Theresa Pinto, one of our staff, is working on this program also and she will evaluate each site for that purpose. Or are you asking if we will find endangered species? Hopefully, not.

Phillips: I would answer that question by saying no more or less suitable than the adjacent properties. All we are going to do is remove the residence. So if there are endangered species there or not, it would be no different than what is there today.

Cherrington: You mentioned farming in the wash that creates habitat. There may not be habitat there now but you may be creating it. There are groups around the valley who are spending a lot of money creating habitat.

Phillips: True.

ACTION: It was moved by Mr. Patel and seconded by Mr. Cherrington to approve the item as submitted. The motion carried unanimously

9) FISCAL YEAR 2005/2006 CAPITAL IMPROVEMENT PROGRAM (CIP) PRIORITIZATION PROCEDURE RESULTS AND STAFF RECOMMENDATIONS

Dick Perreault, CIP Manager, presented a summary of the *Fiscal Year 2005/2006 Procedure For Identifying And Prioritizing Potential Five-Year CIP Projects*. This item is for information and discussion only.

Wickenburg

Patel: I have a question on this project. In one of the earlier presentations on the purchase of properties, they acquired a great deal of property in Wickenburg. Is that going to be part of this project?

Perreault: I believe there are a couple of properties near Sols Wash and Hassayampa that ADOT will be acquiring. There are a lot of problems in the Wickenburg area. There are a lot of washes.

Patel: Does this project cost include those properties?

Perreault: No, that is totally separate.

SR 303L Drainage Improvements

Cooper: If Proposition 400 passes and ADOT takes this project over, what happens to the \$30 million?

Perreault: That would be included. ADOT's policy on building most freeways is to provide for at least a 50-year level of protection. Many times there is cross through drainage but they have to be sure that their facilities do not worsen the floodplain conditions. What we are trying to do is incorporate the regional drainage facilities in with the transportation corridors.

Cooper: I guess the impact of that proposition not going through is that we would have \$30 million that we could use for other projects.

Perreault: Mr. Chairman, Members of the Board, that \$30 million is not currently in the budget. However, we will be working on next year's budget and the next 5-year plan in the next couple of months. We will be taking into account the outcome of vote on Proposition 400, as well as your recommendations when we come back in December.

Ward: Would this be part of Proposition 400?

Perreault: Yes sir. I should preface that; Proposition 400 includes the Loop 303 freeway construction.

43rd Ave and Baseline Detention Basin

Ward: What is that blue line?

Perreault: That is the existing storm drain which was constructed when Baseline Road was reconstructed 5 or 6 years ago. There is also a large diameter storm drain going north on 43rd Ave to the river.

Ward: So the water goes into that basin then flows north to the river?

Perreault: The purpose of this basin is that flows come out of the existing Baseline Storm Drain and from other local flows; we were able to downsize the pipe to the river. It was less expensive to construct a larger basin and downsize the outlet storm drain. There is another basin at Southern and 43rd Ave. currently under construction and should be done within another 3 or 4 months. There is another one at 27th Ave and South Mountain Ave and there is another planned at 23rd Ave and Roeser. So there are a series of basins planned that will impact the area.

Ward: Will the City of Phoenix step in and amenitize the area and maintain it?

Perreault: That is our proposal.

Va Shyl'ay Akimel Restoration

Cooper: Jim Huling from the City of Mesa is here and wishes to address the Board on this issue.

Huling: Thank you, Mr. Chairman, Members of the Board. My name is Jim Huling, Assistant to the City Manager of Mesa. I think the good news is that we would like to withdraw our request of \$9.7 million participation. But we would like the staff and board to consider a \$100,000 participation from the District, as well as being a part of the team as we enter into the design phase, hopefully at the beginning of the year. I think Dick did a very good job explaining the scope of the project and I did give you a hand out that explains the project in more detail that you can look at later. Let me, first comment that I know from the beginning, the Flood Control District has had some concern about feeling that they were not part of the reconnaissance study and the feasibility study. We will take responsibility for that. I would comment on two things: One, as you may or may not know our partners in this are the Corps of Engineers and the Salt River Pima Indian Community. This has been a very step-by-step project. They were hesitant about the involvement of the City of Mesa in the project since we only own 2% of the land for the project. They had further concern over the federal government's involvement. Frankly, we made the decision, given their hesitation, that we had to go through a reconnaissance study and a feasibility study to determine whether or not this project was going to go to the next step. So, the Flood Control District has not been involved in this project in

any significant manner. We take full responsibility for that. However, as we go into the design stage, if you look at the Tres Rios Project, Phoenix Rio Salado Project, and the Tempe Rio Salado, the fact is that when it comes down to the design phase to what the project actually looks like at the end of the design phase, often is something quite different. So I think there is opportunity for meaningful participation and further evaluation of the flood control elements of the project.

The second thing that I should also note is that we viewed this project, quite frankly, as a restoration project. It was not viewed as a flood control project. The feasibility report does note flood control elements as mentioned, bank stabilization, a local channel and a grade structure control. What we would like to now request is that the Flood Control District participate in the initial phase of the project, designate a staff person to sit in and participate on the design team, and allocate \$100,000 to the preconstruction engineering and design for FY 05/06. As we then look at the validity of some of these flood control elements during the first phase of the design, we will hopefully come back before this Board next year. Hopefully, we will be in agreement with the Flood Control District as to the extent what the District's future participation should be.

Just to make a couple of notes as to why we think there is a compelling reason for the District to participate in this project. First, the feasibility study does recommend some flood control features, as I mentioned. Second, the preconstruction engineering design phase of the project provides an opportunity for the District to look at both the proposed flood control elements that I mentioned that are in the feasibility study as well as other potential flood control elements that currently are not there. We currently experience breakout at Country Club Road during flooding events. So there may be an opportunity to incorporate some flood control elements there. Third, a vast majority of that section of the river is uncontrolled. Future erosion, scouring, and sediment deposits could all generate future problems further down stream and onto planned and future projects. Finally, we have envisioned this project for a long time and think that the ultimate tie to have a restoration project with, in this case, some minimal flood control elements from Granite Reef Dam all the way down to Tres Rios, represents a real opportunity for this Valley to change what has formally been a dry stark riverbed into something we can all be proud of. With that I would appreciate your consideration for our redefined request. We did meet with Mr. Phillips and the staff, quite frankly, they pointed out many of their concerns which was one of the reasons we thought we should take a big step back. We would like you at the table with a minimal financial involvement.

Ward: What is the Army Corps of Engineers' position on this?

Huling: Mr. Chairman, members of the Board, the Corps' position in terms of District participation?

Ward: Yes

- Huling:* The representative, the project manager was with us when we met with Mr. Phillips and his staff. I think he would concur that they would very much like to see the District participate in this project.
- Ward:* Tim, won't they pass the buck to us and say "You get involved and start designing and come back to the Corps with a theme"?
- Phillips:* No, Mr. Chairman, Mr. Ward, I think that at this stage in the process they have a concept that they will continue to work. At this point in time, I think it is a question of "does this become a line item" for our budget consideration going into the next Fiscal Year. When we talk about the \$100,000, we are not talking about an IGA, we haven't seen an IGA. I think what we are being asked to do is to be a participant in the ongoing project. To what degree that participation will be is subject to future considerations. Fundamentally, we cannot be leveraged to do restoration because we are not authorized to do that. So, our role is strictly going to be some consideration for the flood control elements that may be part of this project.
- Perreault:* Mr. Chairman, Mr. Ward. What I think your question was, does the Corps of Engineers see a flood control component here? From my reading and the staff's reading of this report, the flood control components would not meet the criteria for Corps funding.
- Ward:* Isn't that foundation of why we are here, flood control?
- Phillips:* Mr. Chairman, Mr. Ward, there are projects that we do that don't meet the Corps' basis for funding and that is why we do a lot of projects without federal participation. We are not governed by the Corps criteria of whether there should be a flood control project or not. I think it is up to you and the Board of Directors to decide through the Resolution/IGA process whether a project meets the elements of what we should be doing from a flood control purpose standpoint.
- Ward:* The question I have is, knowing how much budget we have, this is a beautiful piece of property and it has been left barren and needs some restoration. But do we take money out of our flood control funds?
- Phillips:* Mr. Chairman, Mr. Ward, we are not authorized to do restoration. Part of this overall project has a few flood control elements. We would really key into if and to what degree we would want to participate in those elements. What this action does, when we bring the budget to you in the next couple of months is, is it a project that should be considered in the CIP in the future, not necessarily assigning any funding. Everything is still subject to execution of an IGA for participation. In my mind, this is a very broad project and much of it is outside of the parameters in which we operate, but it is probably something worth keeping a finger on as it develops.
- Patel:* For this low level of financial commitment, again, we are honing in on just the drainage aspect of the project, don't we have other vehicles other than the CIP process? There is an earlier phase than the CIP process, right?

- Phillips:* Mr. Chairman, Mr. Patel, I think what I am hearing from Mr. Huling is that \$100,000 is just a dollar amount that is out there for a future effort, I assume for some participation in the design of the flood control features. What it actually costs would be subject more to pre-design efforts in continuing the concept that has already be proposed in the feasibility study. It's like many of the dollar amounts that Mr. Perreault has already identified, it is a ballpark figure or place card holder, and then we can see where the money fits in. The actual number and the actual scope of our involvement is going to be subject to the Resolution & IGA process.
- Patel:* So the CIP process is the best vehicle to continue participating in this project?
- Phillips:* I think at this point it is.
- Perreault:* If I might add, Mr. Chairman, Mr. Patel, rather than have one of these procedures for the Planning Program, one for the Delineation, and one for the CIP, we take all the requests and in some cases we may request that our planning staff take a look at the project or that our delineation staff pick up the ball. Or in the case of the Dam Safety Program, our dam safety folks will review the request. Since we were not part of the Va Shyl'ay Akimel planning process, my recommendation would be that it is premature to consider incorporating this into the CIP and that our planning staff get involved. From our reading of the report, there does not seem to be a flood control component in which we should be participating. That is the opinion of the five people in the CIP committee who spent time reading the report. If our planning staff gets involved and there are other things that we missed, then the project can be resubmitted. I think it would be pre-mature to consider this part of the CIP, based on the information that we were provided.
- Patel:* How would our planning staff participate? Is that in the candidate assessment report?
- Perreault:* Possibly, or possibly having a staff member meet with the Corps staff and City staff and others who are more familiar with the project. There are three more volumes of this report. We only received the overview of the project. There are some technical things that need to be looked at but from what we can see here; this does not appear to be a project that we would spend CIP funds on.
- Huling:* Mr. Chairman, I would like to clarify a couple of things. The total cost of the preconstruction engineering phase is \$5 million, of which, 75% is paid for by the federal government with local sponsors funding 25%. So, \$1.25 million over three years between the two sponsors. The reality is you are asking why the District is involved in this. The City of Mesa asked the same questions since we are a 2% partner. The fact is that this project benefits us more than 2% and benefits the region. I know Mr. Perreault was not at the meeting we had with Mr. Phillips and the Corps where we tried to walk through some of the flood control elements. Our request is that the

Flood Control District participate in the PED process with \$100,000. After the first year of this project, I think that District staff would be able to make the determination as to what, if any level, the District should participate. Our request is \$100,000 which would be used in the PED phase. Next year we will either come back in agreement or not come back at all if it were determined that the District would not participate.

Cooper: It appears to be that we have an unusual coalition here with the Indian community, the City of Mesa and the federal government doing something marvelous here. It does, admittedly have a small percentage of flood control elements, however it was originally considered to be a restoration project more than a flood control project. Perhaps that was in error in the early days when this project was pursued, if there are flood control issues, then we ought to have a voice in the design, especially since the federal government has come here hand in hand with the City of Mesa. I think it's unusual for a city sponsor who is spending \$1.25 million to only ask us to spend \$100,000. I don't think it's going to break the bank or the District to go through this process over the next year or so to review the merits of what has been discussed. If you just say well, we'll go to the meetings but not pay anything, that isn't going to give us much voice in the project. When you are a financial partner participating with an eye toward rooting out the flood control benefits you can be part of the organization. I think the City has recognized that by going from \$9.7 million to \$100,000 that they have a rough road to travel. However, they would like us at the table as a participant. I support that personally. I don't know exactly what the process is and I don't know how procedurally we could accommodate the request, but I sure would like to find one.

Phillips: Mr. Chairman, Members of the Board, I would recommend that we think about how we keep this alive. In the past, we have noted in the CIP where the recommendation has been deferred to planning. So it's not on the Not Recommended list, it's on the list but referred to planning. Then rather than saying we are not interested in participating at all, we simply acknowledge that are going to defer to the Planning Branch. They can participate, develop the concepts if there is a role for us and work a resolution or IGA. The timing, as Mr. Huling said, is not critical right now but more critical for next year. As we develop the planning process, we can see what our role is, and if there is an opportunity for us to actually identify our future participation in the CIP. *Cooper:* Mr. Huling, what are your thoughts on that process?

Huling: First off, we are very appreciative and Mesa has, I think, an excellent history working with the Flood Control District. They have gone out of their way to meet with us and we take full responsibility for not having involved them earlier. Where we are at is that our Council is going to be making commitments for continued participating in the near future. We are not even dealing with the construction yet, because frankly, as you know, who is going to pay for what is yet to be determined. Like everyone, we have fiscal issues and we believe that participation of \$100,000 is a good investment and it will help when moving toward the PED stage to show participation by the District. I guess that is the bottom line, we think it will

go a long way with our Council and the Indian community as well, that there is another partner who recognizes the benefits of this project, even if it is just short term. It is a very tenuous project, it started in 1999. We are in 2004. A lot of people have told me for a long time that they would get involved in this stage or that stage. Every step we continue is a step toward making this project a reality and your participation, quite frankly, would mean a lot to keep this project moving forward.

Phillips: Mr. Chairman, I think we are all kind of saying the same thing but in different ways. In that we are still in the pre-design, planning phase, it is not appropriate to put it into the CIP program yet because it can't be capitalized. What I would recommend to the Board is that we consider this as we do our Planning Budget and put \$100, 000 in the Planning Budget to participate in the process and develop the planning effort then come back and work it through the CIP side.

Cooper: I think the City is really interested in having the District at the table as a participant whether it is funded out of the planning side or capital side is irrelevant. I would be supportive of the District participating in this project.

Cherrington: I like your comments, Mr. Chairman. Whether it is financial or otherwise the District needs to be involved in the process. The Salt River Project was much like the District, we were identified as participating, or at least our facilities were all being used as a part of the delivery system unbeknownst to us. We are now forcing ourselves into the participation of the project, not so much financially, but to make sure our facilities still work when it is all over. Trees planted in and around our recharge site, isn't the purpose of the recharge site. I would echo the Chairman's message.

Cooper: I don't know if we need a motion but I would like to see if the Board members support a recommendation to the staff incorporate this project into our planning process to determine our participation in this project at least to this level.

Lemmon: Mr. Chairman, this was not noticed as an action item so it would have to be more in the nature of a direction from the Board. I noticed that this is coming back before the Board in December; perhaps staff can bring back whatever it is you are looking for.

Phillips: Mr. Chairman, members of the Board, at our next meeting you will see all of our budget recommendations for the Planning, Delineation, and Dam Safety programs. What I hear you saying is that we should include this in our Planning Budget for the next fiscal year.

Patel: I would support that.

51st Avenue Storm Drain

Mushtaq: We believe this project is in the Laveen Area Drainage Master Plan area and included with the storm drain, there are several other detention basins. I think it would help us if we could get an opportunity to come back to the

District with a different approach. What you have depicted in the picture here is what we have budgeted this year for the design and construction of the storm drain itself. We thought it would be an opportunity to ask for active participation from the District. This is going to be on a bond issue coming up this year or next year. We can certainly look at an option of including basin sites for this project. I would like to make that statement before the January meeting.

Phillips: The challenge is that the Prioritization Committee and the Board sub-committee have already met and endorsed this CIP, I am not sure how procedurally we can add a project that hasn't been through the review process with all the elements that the other projects have been.

Perreault: Mr. Chairman, Members of the Board, we have had projects that have not been recommended come back in a future procedure, that have been modified based on discussions we have had with the requesting city. What I would suggest is that we sit down with the city staff and explain what we are looking for. We were not just looking for putting a storm drain down the road but we are looking for elements of the regional plan. The storm drain obviously serves a function but the basins are actually the regional features, the storm drain is just the outfall to the river. I would suggest that we meet with the city and submit the project again next year.

10) COMMENTS FROM THE CHIEF ENGINEER AND GENERAL MANAGER

Phillips: Mr. Chairman, Members of the Board, I will be real brief. The District has received several awards over the last month. Our Dam Safety staff was recognized by the Association of Dam Safety Operators with their Western Award of Merit. This is a big kudos to our Dam Safety Program, to be recognized nationally for the work we are doing. The other awards are from the American Consulting Engineer Companies. Entellus and Stantec received the Grand Award for one of our projects, the Wittmann Area Drainage Master Study which is being managed by Kelli Sertich. We also received Honor Awards with Brooks & Associates for the Doubletree Ranch Road project, Scott Vogel was the project manager and with DMJM- Harris for the Bethany Home Outfall Channel where Scott Vogel was also the project manager. It is encouraging to me that the industry is recognizing the type of work that we are doing and that it is good work.

Lemmon: Mr. Chairman, Members of the Board, you may recall that we have had a discussion for nearly three years with the State Land Department regarding the Pinal County structures which are on what we call an O-9 easement which was issued prior to a ruling where we cannot now get the easement for free. I just wanted to let you know that last week, the Arizona Center for Public Interest sued the Arizona State Land Commissioner and Land Department, asking that the Court find that those easements are void and directing the State Land Commissioner take appropriate steps to value those easements and perhaps seek compensation from either from the State or other appropriate parties. That is all I know. I don't know how the Board of Directors will react to it, if they will react at all. The suit is not against the

District or any of the other O-9 holders. I did want to let you know because there has already been one article, with our 19000 acres in Pinal County; we are one of the biggest O-9 holders. So, you may well see the District mentioned in one of these articles. If you have any questions or concerns, please feel free to give me a call.

11) SUMMARY OF RECENT ACTIONS BY THE BOARD OF DIRECTORS

12) OTHER BUSINESS AND COMMENTS FROM THE PUBLIC

None

The meeting was adjourned at 4:10pm